

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SUSAN WEIDMAN,	::	PRISONER ACTION
Plaintiff,	::	28 U.S.C. § 1332
	::	
v.	::	
	::	
BLACKSTONE GROUP et al.,	::	CIVIL ACTION NO.
Defendants.	::	1:14-CV-3785-RWS-LTW

ORDER

Plaintiff is a state prisoner who was convicted in 2014 of violating Georgia's Racketeer Influenced and Corrupt Organizations Act ("RICO") in connection with a scheme to seize foreclosed homes from financial institutions. (Doc. 9-2.) After her convictions, Plaintiff, pro se, filed this action against two financial institutions that she blames, at least in part, for her imprisonment. (Doc. 1.)

Defendant American Homes 4 Rent ("AH4R") specially appeared and filed a motion to dismiss Plaintiff's claims against it for failure to state a viable claim. (Doc. 9.) Magistrate Judge Walker issued a Report and Recommendation that AH4R's motion be granted. (Doc. 17 ("R&R").)

Judge Walker found that "[t]he only claim Plaintiff remotely connected to AH4R in her complaint is her conspiracy claim . . . [b]ut Plaintiff has not alleged facts supporting a plausible finding that AH4R conspired with anyone to harm her." (*Id.* at

6.) The alleged conspiracy is that AH4R conspired with news media to create a national media campaign against “squatters” – which essentially is what Plaintiff was – leading to Plaintiff’s arrest and convictions. (Doc. 1.) Plaintiff filed objections to the R&R. (Doc. 23.)

A district judge must conduct a careful and complete review of a magistrate judge’s R&R. *Williams v. Wainwright*, 681 F.2d 732, 732 (11th Cir. 1982). The district judge must “make a de novo determination of those portions of the [R&R] to which objection is made,” 28 U.S.C. § 636(b)(1)(C), while those portions of the R&R for which there is no objection are reviewed only for clear error, *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). *See* Fed. R. Civ. P. 72(b).


Plaintiff states in her objections that “[t]his is primarily a Federal RICO case per 18 USC 1962 and 1964” and that “[t]he 2 predicate acts are the 2 false arrests [of Plaintiff] in June and October of 2011.” (Doc. 23 at 1.) Plaintiff contends “[t]here were never any affidavits of complaint to support these arrests” and she thus was subjected to “a week long show trial and conviction.” (*Id.* at 2.) There are no allegations in the complaint that AH4R, a corporation, arrested Plaintiff in connection with her state criminal case, and any such allegation would be frivolous. Plaintiff thus has not stated a plausible civil RICO claim against AH4R.

As for her conspiracy claim, Plaintiff points to no allegations in her complaint supporting a plausible claim against AH4R. The R&R correctly found that Plaintiff “alleged [a] conspiratorial scheme by banks and their shell companies to reap profits at the expense of distressed homeowners” without alleging that she was such a homeowner or alleging any harm to herself other than her criminal prosecution. (*See* R&R at 17; Doc. 1.) Plaintiff’s response is simply that because this is a civil case “the defendants are guilty until proven innocent” and that “the court cannot dismiss this case without a jury trial” because of Federal Rule of Civil Procedure 38. (Doc. 23 at 2-3.) Plaintiff’s contentions are erroneous as a matter of law.

Plaintiff has pled no facts supporting a finding that AH4R conspired with someone to harm Plaintiff in a manner for which relief may be granted under the law. (*See* R&R at 6-8.) Plaintiff’s complaint contains no other legally recognizable claim. Plaintiff’s dissatisfaction with her judgment of conviction is the genesis of this suit, but she cannot cloak an attack on that judgment in a civil suit against private entities for “\$6 Billion in damages.” (*See* Doc. 23 at 3.)

Accordingly, the Court **OVERRULES** Plaintiff's objections [23] and **ADOPTS** the R&R [17] as the opinion of the Court. Defendant AH4R's motion to dismiss [9] is **GRANTED**. Plaintiff's claims against AH4R are **DISMISSED**.

SO ORDERED this 11th day of March, 2015.


RICHARD W. STORY
United States District Judge